IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Bail Appl..No. 3999 of 2007(D)

PETITIONER/4TH ACCUSED

DEEPU, S/O.MADHU, AGED 22, DEEPU BHAVAN,
T.C.32/1184, NEAR ALL SAINTS COLLEGE,
SANGHUMUGHAM WARD, MADHAVAPURAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS: RESPONDENT

STATE REPRESENTED BY SUB INSPECTOR
OF POLICE, NEMOM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. P.N. SUKUMARAN, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3999 of 2007

Dated this the 3rd day of July, 2007

ORDER

Application for regular bail. The petitioner is the 4th accused in a crime registered, inter alia, under Section 366 r/w 34 I.P.C. The crux of the allegations in the crime is that two persons - accused Nos.1 and 2, eloped with their fiancees, both aged less than 18 years. The crime was registered. Investigation is in progress. The petitioner was arrested on 01.06.2007 and continues in custody from that date. In the course of investigation, the girls have been traced. Accused 1 to 3 have not been traced so far.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Even accepting all the allegations, the petitioner had only facilitated the elopement of accused 1 and 2 with the girls. He does not have any worse contumacious intent. The petitioner, who has been continuing in custody for the past more than one month, may now be enlarged on bail subject to any appropriate conditions, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not seriously oppose the said prayer. He only prays that appropriate conditions may be imposed. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of his releasel. Thereafter the petitioner shall appear before the Investigating Officer as and when directed by him in writing to do so;

iii) The petitioner shall not, without the permission of the learned Magistrate, leave the jurisdiction of J.F.C.M-I, Neyyattinkara for a period of one month from the date of his release.

(R.BASANT, JUDGE)

rtr/-